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IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ALASKA

NORTHWEST OCEANIC LLC, an Alaska
limited liability company,

Plaintiff,

v.

DAVID B. CATER, an individual,

Defendant.

IN ADMIRALTY

Case No.

**COMPLAINT FOR DISCHARGE OF MARITIME LIEN
(46 U.S.C. § 31343)**

COMES NOW the Plaintiff, Northwest Oceanic LLC (“Northwest Oceanic”) by and through its attorneys, Holmes Weddle & Barcott, P.C., and complains against Defendant, David B. Cater (“Cater”) as set forth below.

JURISDICTION

1. Jurisdiction is based upon 28 U.S.C. § 1333, admiralty, and 28 U.S.C. § 1331, federal question, specifically 46 U.S.C. § 31343. This is an admiralty or maritime claim within the meaning of Fed. R. Civ. P. 9(h).

2. Northwest Oceanic is the owner of the vessel DEBRA D, Official Number 643920 (“Vessel”) and is an Alaska limited liability company.

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3. Northwest Oceanic seeks a declaration that the Vessel is not subject to a certain Notice of Claim of Maritime Lien or to the maritime liens asserted therein.

4. The Vessel is currently located in the District of Alaska.

COUNT I: DISCHARGE OF MARITIME LIEN

5. Ocean Marine Surveyors Inc. ("OMSI") asserted a lien against the Vessel in the amount of \$6,961.95 pursuant to a Notice of Claim of Lien dated April 29, 2014 and filed with the United States Coast Guard on May 8, 2014. See page 18 of the abstract of title attached hereto as Exhibit A.

6. On June 1, 2018, OMSI assigned its lien claim against the Vessel to Defendant Cater pursuant to an Assignment of Notice of Claim of Lien filed with the United States Coast Guard on June 1, 2018. See page 19 of the abstract of title, Exhibit A.

7. OMSI and Cater have had reasonable opportunity to enforce the lien, but have done nothing to pursue the claim.

8. Cater has unreasonably delayed in pursuing any claim held on the Vessel, and such delay continues to prejudice Plaintiff because the lien remains a cloud on the title to the Vessel and impairs the use and marketability of the Vessel. Accordingly, Cater's claim is barred by laches.

WHEREFORE, Northwest Oceanic prays that the Court declare and award as follows:

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1. 1. Declare that the Vessel DEBRA D is not subject to any maritime lien
2. and the Notice of Claim of Maritime Lien asserted by David B. Cater be denied.

3.
4. 2. Award the Plaintiff all fees and costs in connection with this action
5. pursuant to 46 U.S.C. § 31343.

6. 3. Enter such other and further relief as the court deems reasonable and
7. just.

8.
9. DATED this 9th day of August.

10. HOLMES WEDDLE & BARCOTT, P.C.
11. Attorney for Plaintiff

12. s/ John E. Casperson
13. John E. Casperson, ABA #7910076

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27. **COMPLAINT FOR DISCHARGE OF
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